

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

NOV - 1 2007

Case No. 5628
Date Filed 10-10-07
Hearing Date _____
Receipt _____
Fee \$ 450.00

Shaded Areas for Office Use Only

Type of Application

Nature of Request and Section(s) of Code

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☒ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

CASE 5628 MAP 57 TYPE Variance ELECTION DISTRICT 01
LOCATION Belcamp Road, Belcamp 21017
BY Calriver LLC, PO Box 1607, Bel Air 21014
Appealed because a variance pursuant to Sec. 267-28C of the Harford County Code to
allow a car wash facility within the 20' buffer yard requirement from an adjacent
residential use (5' shown) in the B3 District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Calriver LLC Phone Number Call Attorney
Address P.O. Box 1607 Bel Air, MD 21014-7607
Street Number Street City State Zip Code

Co-Applicant N/A Phone Number _____
Address _____
Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative Kevin J. Mahoney, Esquire Phone Number 410-893-7500
Address 11 South Main Street Bel Air MD 21014
Street Number Street City State Zip Code

Rev. 12/02

Land Description

Address and Location of Property Belcamp Road

Subdivision _____ Lot Number _____

Acreage/Lot Size 1.241 AC Election District 01 Zoning B3

Tax Map No. 57 Grid No. 4E Parcel 86 Water/Sewer: Private _____ Public X

List ALL structures on property and current use: None

Estimated time required to present case: Thirty minutes

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No X

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes _____ No X

Is this request within one (1) miles of any incorporated town limits? Yes _____ No X

Request

SEE ATTACHED

Justification

SEE ATTACHED

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

APPLICATION OF CALRIVER LLC

REQUEST

1. Variance from the requirements of Section 267-28 (c) of the Harford County Development Regulations to allow a car wash facility within the 20 foot buffer yard requirement from an adjacent residential use.(5 foot shown).

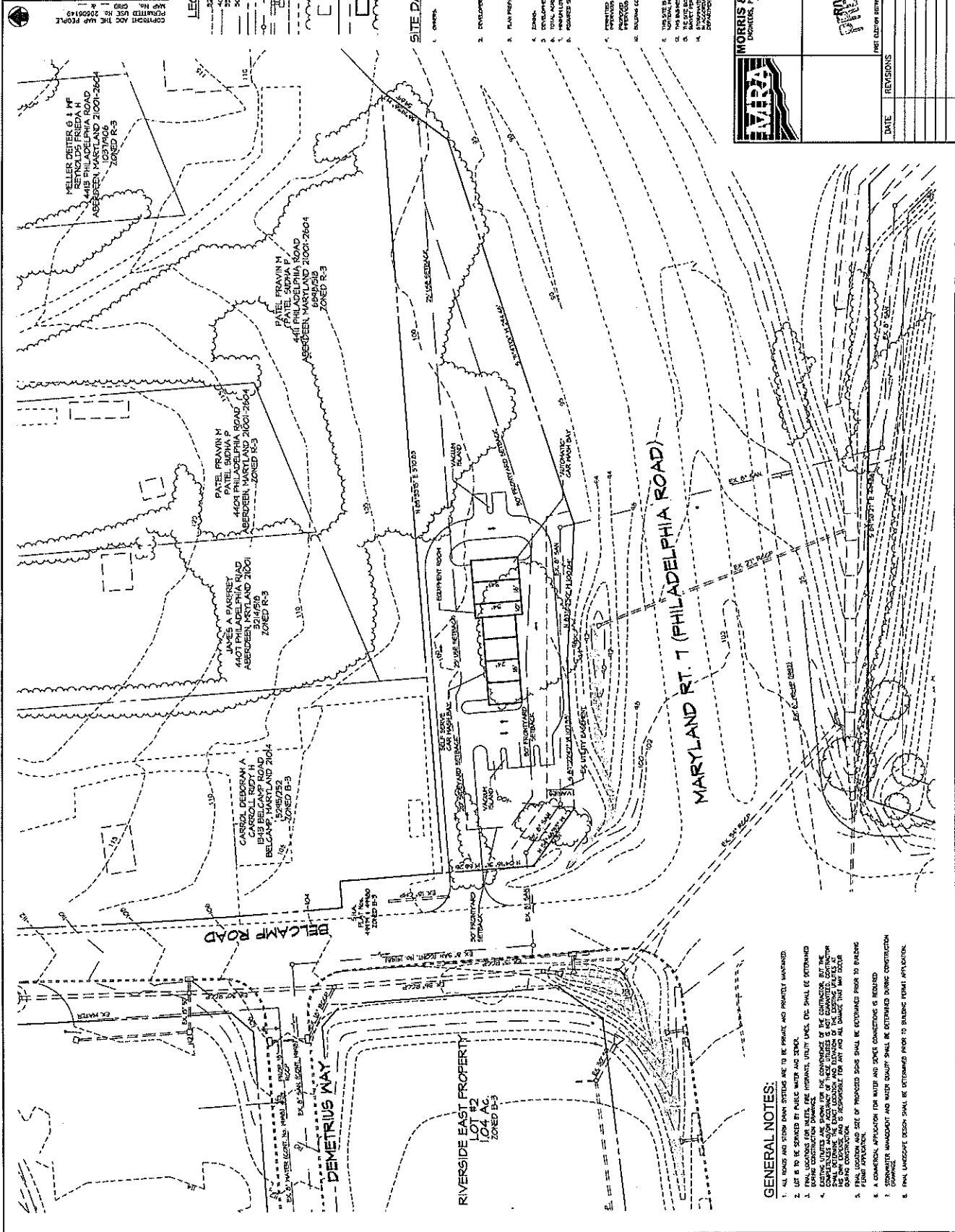
JUSTIFICATION

With the exception of the requested variance, the Application meets all of the requirements of the Harford County Zoning Code for a car wash facility in the B3 zone. The Applicant is proposing a 6 bay car wash which would include 4 self-service bays and 2 automated drive-thru bays.

The property is unique in that it is a long narrow parcel. The property fronts on Maryland Route 7 in close proximity to other commercial uses. A car wash facility is one of the few viable commercial uses for the site. The adjacent residentially used parcel is zoned B3 and located northeast of the property separated and screened by a wooded area. The areas to impact the required setbacks would only involve drive isles and not buildings. The proposed buildings meet the setback requirements. The easterly portion of the property is forested. Locating the car wash as planned will allow for the retention of the maximum number of trees. Because of the constraints on the property, the Applicant would suffer practicable difficulty or unreasonable hardship if the requested variance were

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denied. The development of the site with the requested variance will not result in any adverse impact to surrounding properties.

[illegible]

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
34254 90TH HILL CORPORATE CENTER DRIVE
ARNDTSON, MD 21020
(410) 515-5000
FAX (410) 515-6002

RIVERSIDE CAR WASH

DATE		REVISIONS		JOB NO.: 14055		HAWAII COUNTY, HI	
				JOB NAME: 1" = 32'			
				DATE: 3/1/87			
				DRAWN BY: DM			
				DESIGN BY: DM			
				REVIEW BY: DM			
				SHEET: 1		OF: 1	

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



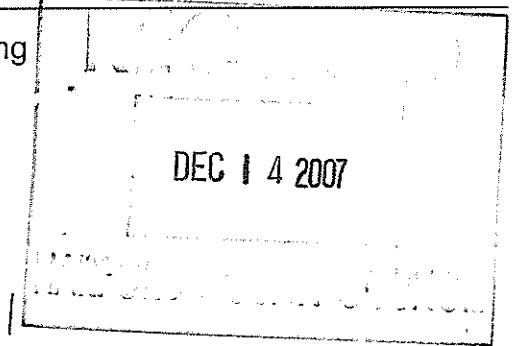
C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

December 4, 2007

STAFF REPORT



BOARD OF APPEALS CASE NO. 5628

APPLICANT/OWNER: Calriver LLC
P.O. Box 1607, Bel Air, Maryland 21014-7607

REPRESENTATIVE: Kevin J. Mahoney, Esquire
11 South Main Street, Bel Air, Maryland 21014

LOCATION: Belcamp Road
Tax Map: 57 / Grid: 4E / Parcel: 86
Election District: First (1)

ACREAGE: 1.241 acres

ZONING: B3/General Business District

DATE FILED: October 10, 2007

HEARING DATE: January 9, 2007

APPLICANT'S REQUEST and JUSTIFICATION:

See Attachment 1.

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-28C of the Harford County Code to allow a car wash facility within the 20 foot buffer yard requirement from an adjacent residential use (5 foot shown) in the B3/General Business District.

Preserving Harford's past; promoting Harford's future

STAFF REPORT

Board of Appeals Case Number 5628

Calriver LLC

Page 2 of 4

Enclosed with the report is a copy of Section 267-28C of the Harford County Code (Attachment 2).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located in the community of Riverside east of the MD Route 543 and MD Route 7 intersection. It is situated on the east side of Belcamp Road and the north side of Philadelphia Road (Md. Route 7). A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 3 and 4).

The subject property is located within the Development Envelope. The predominant land use designations in this area are Low, Medium and High Intensities. Other land uses in this area include a Community Center and MO (Mixed Office). The Natural Features Map reflects Stream Systems. The subject property is located within the Community Center and Medium Intensity designations which are defined by the 2004 Master Plan as:

Medium Intensity - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, variety stores and other commercial uses are examples of some of the more intensive uses associated with this designation.

Community Centers – Areas combining civic, social, and cultural facilities with more intensive commercial and service oriented activities. These centers are usually located along major highways.

Enclosed with the report are copies of the Abingdon-Riverside-Emmorton Community Area Map, the 2004 Land Use Map and the Natural Features Map (Attachments 5, 6 and 7).

Land Use – Existing:

The existing land uses generally conform to the overall intent of the Master Plan. The area contains residential developments including single family dwellings, townhouses and condominiums. Other land uses include schools, churches, parks, and areas of dense woodland. Commercial uses range from single retail stores to shopping centers and service uses. The topography in this area ranges from rolling to steep especially near the stream valleys. Enclosed with the report are an aerial photograph and a copy of the topography map (Attachments 8 and 9).

The lot has an irregular shape based on the realignment of Philadelphia Road. Access to the proposed carwash will be from Belcamp Road. The parcel contains trees and open land while there are residential uses to the north, they are zoned B3/General Business. The topography of

STAFF REPORT

Board of Appeals Case Number 5628

Calriver LLC

Page 3 of 4

the lot is gently sloping to rolling. Enclosed with the report are site photographs, a topography map of the parcel and aerial photographs (Attachments 10, 11 and 12).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant residential zoning classifications are R1, R3 and R4/Urban Residential Districts. Commercial zoning includes B1/Neighborhood Business, B2/Community Business and B3/General Business Districts. The development of Riverside also contains GI/General Industrial Zoning. The subject property is zoned B3/General Business District as shown on the enclosed copy of the zoning map (Attachment 13).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-28C of the Harford County Code to allow a car wash facility within the 20 foot buffer yard requirement from an adjacent residential use (5 foot shown) in the B3/General Business District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique based on its configuration. The property is subject to two front yard setbacks and the 20 foot buffer yard. There are no residences immediately adjacent to the proposed drive aisle. The requested variance will not adversely impact the neighborhood or the intent of the code.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested variance be approved subject to the following conditions:

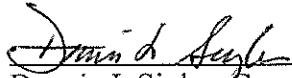
1. The Applicants submit a site plan to be reviewed and approved thru the Development Advisory Committee.
2. The Applicants shall submit a landscaping plan to the Department of Planning and Zoning for review and approval.

STAFF REPORT

Board of Appeals Case Number 5628

Calriver LLC

Page 4 of 4



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/jf